

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

THOMAS MALLON JR.

Case No.

18-~~128~~ -M*Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of see attached affidavit in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

18 U.S.C. 2251(a) and (e)
 18 U.S.C. 2422(b)

Offense Description

Manufacture/Attempted Manufacture of Child Pornography
 Enticement of a Minor to Engage in Illicit Sexual Activity

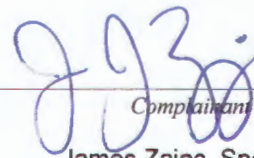
See Attachment A.

This criminal complaint is based on these facts:

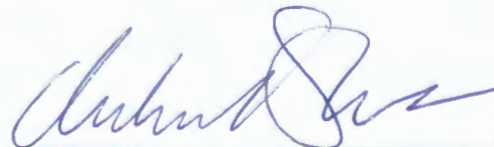
See attached Affidavit

☐ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 12/11/2018City and state: PHILADELPHIA, PA*Complainant's signature*

James Zajac, Special Agent, FBI

Printed name and title*Judge's signature*

RICHARD A. LLORET, U.S.M.J.

Printed name and title

ATTACHMENT A

Count One – Manufacture/ Attempted Manufacture of Child Pornography, 18 U.S.C. § 2251(a) and (e)

On or about March 28, 2018, in the Eastern District of Pennsylvania, the defendant THOMAS MALLON JR. did knowingly employ, use, persuade, induce, entice, and coerce Victim #1, a person under the age of 18 years, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct and attempted to do so, and in his attempt to produce the visual depiction he used materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer. In violation of Title 18, United States Code, Sections 2251(a), (e).

Count Two – Enticement of a Minor to Engage in Illicit Sexual Conduct, 18 U.S.C. § 2422(b)

Between on or about March 7, 2018, through on or about April 6, 2018, in the Eastern District of Pennsylvania, the defendant THOMAS MALLON JR. used a facility and means of interstate and foreign commerce, that is, the internet, to persuade, induce, entice and coerce Victim #1, a minor child under the age of 18 years, to engage in sexual activity, for which any person could be charged with a criminal offense, and attempted to do so, that is, the manufacturing of child pornography, in violation of Title 18, United States Code, Section 2251(a). In violation of Title 18, United States Code, Sections 2422(b) and 2.

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, James J. Zajac, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Philadelphia Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI for 12 years, and am currently assigned to the Philadelphia Division's Violent Crimes Against Children Squad. While employed by the FBI, I have investigated federal criminal violations related to identity theft, Internet fraud, computer intrusions, and the FBI's Innocent Images National Initiative, which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, training at the Violent Crimes Against Children Unit of the FBI, various conferences involving Innocent Images and Crimes Against Children, and everyday work related to conducting these types of investigations.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. The statements in this Affidavit are based in part on my investigation of this matter and on information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that THOMAS MALLON JR., date of birth [REDACTED], committed violations of Title 18 U.S.C. § 2251, which makes it a crime to employ, use, persuade, induce, entice, or coerce any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, or attempts to do so, and Title 18 U.S.C. § 2422, which prohibits a person from knowingly persuading, inducing,

enticing, or coercing any individual who has not attained the age of 18 years to engage in any sexual activity, or any attempts to do so.

LEGAL AUTHORITY

4. Title 18 U.S.C. § 2251(a) and (e) prohibits a person from employing, using, persuading, inducing, enticing, or coercing any minor, that is, a person under the age of 18 years, to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or attempting to do so.

5. Title 18 U.S.C. § 2422(b) prohibits a person from using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so.

BACKGROUND OF THE INVESTIGATION

6. On January 13, 2018, Google submitted NCMEC CyberTipline report 26796487 reporting the account TOMMALLON824@GMAIL.COM transmitted two videos that appeared to depict child pornography. These videos were transmitted on January 12, 2018. Personnel at Google reviewed the videos before submitting the information to NCMEC's CyberTipline. Along with the report to NCMEC, Google provided subscriber information and connection history for the account along with the videos that were transmitted. This NCMEC CyberTipline Report was initially assigned to Detective Peter Marcellino, Philadelphia Police Department, Special Victim's Unit (PPD-SVU).

7. Detective Marcellino along with your Affiant reviewed these videos and in your Affiant's opinion, they depict child pornography as defined in 18 U.S.C. § 2256, that is, a nude prepubescent girl, with no pubic hair or breast development, laying down, and two adult males are engaging in anal and oral sex with the child. Both videos submitted by Google are identical.

8. A recent login to this account was on January 2, 2018, at 12:07 p.m. UTC from IP address 2601:42:702:334:8CCE:F413:9BE6:F256. This IP address is a Comcast IP address. On March 28, 2018, an administrative subpoena was issued to Comcast who provided records showing this IP address was assigned to the Comcast subscriber THOMAS MALLON, 117 Durfor Street, Philadelphia, PA 19148.

9. On May 8, 2018, PPD-SVU executed a search warrant at MALLON's residence, 117 Durfor Street, Philadelphia, PA 19148. Seized during the execution of this search warrant were three electronic devices, 1) Lenovo Yoga Tablet 2-1050F, 2) Samsung SM-J327A smart phone with serial number R28JB2GZF7V and IMEI number 357153087816878, and 3) Samsung SM-J327A smart phone with serial number R28J53LBWAA and IMEI number 357153085979900. All three items were located in the bedroom of THOMAS MALLON JR., date of birth August 24, 1971, who shares the residence with his parents.

10. After the execution of this search warrant, it was discovered there was an additional NCMEC CyberTipline report resolving back to MALLON. On April 8, 2018, Google had submitted NCMEC CyberTipline report 30403975 reporting the account MILLERJENN999@GMAIL.COM transmitted one video that appeared to depict child pornography and the video was stored in this user's Google Photos account. This video was transmitted on April 7, 2018. Personnel at Google reviewed this video before submitting the

information to NCMEC's CyberTipline. Along with the report to NCMEC, Google provided subscriber information and connection history for the account along with the video that was transmitted.

11. Your Affiant reviewed this video and in your Affiant's opinion, it depicts child pornography, that is, a prepubescent girl, with no pubic hair or breast development, taking her clothes off until she is completely nude. She is turning around and at times is bending over and spreading her buttocks and rubbing her vagina.

12. This video was transmitted on April 7, 2018, at 7:12 p.m. UTC from IP address 2601:42:702:334:8A70:8CFF:FE48:DCDF. This IP address is a Comcast IP address. On May 18, 2018, an administrative subpoena was issued to Comcast who provided records showing this IP address was also assigned to the Comcast subscriber THOMAS MALLON, 117 Durfor Street, Philadelphia, PA 19148.

13. On August 3, 2018, your Affiant applied for and was granted a federal search warrant by United States Magistrate Judge Jacob P. Hart, Eastern District of PA, for the email accounts TOMMALLON824@GMAIL.COM and MILLERJENN999@GMAIL.COM, to search for and seize evidence of violations of Title 18 U.S.C. Sections 2252 and 2252A, which makes it a crime to transport, possess, receive, distribute, or access with the intent to view child pornography or visual depictions of minors engaging in sexually explicit conduct, and any attempts to do so, along with account information and any logs showing the true identities of the individuals engaging in this activity.

14. On August 13, 2018, Google provided results for the accounts TOMMALLON824@GMAIL.COM and MILLERJENN999@GMAIL.COM. No content was

available for the account TOMMALLON824@GMAIL.COM, but the account was opened in the name TOM MALLON on July 18, 2013, and associated with telephone number 267-226-6013.

15. Results for the account MILLERJENN999@GMAIL.COM show it was opened in the name JENN MILLER on February 13, 2018, and associated with telephone number 215-350-4022.

16. Administrative subpoenas were issued to AT&T Wireless for subscriber information pertaining to the telephone numbers 267-226-6013 and 215-350-4022. Records from AT&T Wireless show both of these accounts were registered in the names TOM MALLON and THOMAS MALLON JR., 117 Durfor Street, Philadelphia, PA 19148.

17. According to log files provided by Google, the accounts TOMMALLON824@GMAIL.COM and MILLERJENN999@GMAIL.COM were both accessed from a Lenovo Yoga Tablet 2-1050F and a Samsung SM-J327A with IMEI number 357153085979900. The account MILLERJENN999@GMAIL.COM was also accessed from a Samsung SM-J327A with IMEI number 357153087816878. These are the three devices that were seized from MALLON's bedroom on May 8, 2018, by PPD-SVU.

18. Numerous chat logs were located in the results for MILLERJENN999@GMAIL.COM under the Google Hangouts app. The Hangouts app allows Google users to chat, share files, and also video and audio chat, with other Google users. The individual using the MILLERJENN999@GMAIL.COM account distributed numerous images of nude adult males and other images that appear to be young girls and boys, some of which appear to be minors. This individual would also tell other users he was from Pennsylvania and would portray himself as an adult or a minor boy or girl. Often times he would tell other users he was

an adult with children and then would chat as the children telling other users that the family had an open sexual relationship.

19. One Hangouts chat in particular occurred from March 7, 2018, to April 6, 2018, between MILLERJENN999@GMAIL.COM and another Hangouts user referred to here as VICTIM. The VICTIM tells MILLERJENN999@GMAIL.COM she is 15 years old and MILLERJENN999@GMAIL.COM tells her he is 14 years old. Throughout the chat MILLERJENN999@GMAIL.COM goes back and forth portraying a child and then chatting as the parent of this child. On March 7, 2018, MILLERJENN999@GMAIL.COM sent the VICTIM 14 nude pictures and two nude videos of adult males with the focus of the pictures on the male's penis. All of these files except one was sent to the VICTIM after she told MILLERJENN999@GMAIL.COM she was 15 years old.

20. At times throughout the chat the VICTIM tells MILLERJENN999@GMAIL.COM to stop talking to her and leave her alone. Other times they chat about masturbation and MILLERJENN999@GMAIL.COM asks the VICTIM to get on webcam so she can watch him masturbate and also tells the VICTIM he will put a small screwdriver in his anus for her to watch.

21. On March 28, 2018, the VICTIM again tells MILLERJENN999@GMAIL.COM she is 15 years old and MILLERJENN999@GMAIL.COM tells the VICTIM he is 38 years old. MILLERJENN999@GMAIL.COM asks the VICTIM if she wants to see him nude and asks if he can see her nude. MILLERJENN999@GMAIL.COM then sends the VICTIM two pictures of a male's penis with the focus of the picture zoomed in on the penis. The VICTIM then sends MILLERJENN999@GMAIL.COM three pictures of a female's vagina with the focus of the picture zoomed in on the vagina. In two of the pictures a

purple object is being inserted into or touching the vagina. MILLERJENN999@GMAIL.COM then tells the VICTIM to "send live pic." The VICTIM then sends another picture focused on a female's vagina and says "there." MILLERJENN999@GMAIL.COM tells the VICTIM "live" and the VICTIM tells MILLERJENN999@GMAIL.COM, "That is live."

22. MILLERJENN999@GMAIL.COM then continues to send nude pictures and videos to the VICTIM. During the course of their chat, 13 of the pictures sent from MILLERJENN999@GMAIL.COM to the VICTIM were taken with either a Samsung SM-J327A smart phone or a Lenovo Yoga Tablet 2-1050F, the same types of devices previously seized from MALLON's bedroom on May 8, 2018, by PPD-SVU.

23. On October 25, 2018, the VICTIM was located residing in Michigan and was interviewed by the FBI. The VICTIM confirmed that she was chatting with MILLERJENN999@GMAIL.COM and she was 15 years old at the time of the chats. She initially met MILLERJENN999@GMAIL.COM through the chatting app Chat Gum and then transferred over to Google Hangouts. She also confirmed receiving numerous nude pictures from MILLERJENN999@GMAIL.COM. The VICTIM confirmed the four pictures she sent MILLERJENN999@GMAIL.COM were of her vagina.

24. On December 10, 2018, your Affiant and Detective Joseph Jenkins, PPD-SVU, interviewed MALLON at his residence. MALLON was advised he was not under arrest, did not have to speak with your Affiant and Detective Jenkins, and could ask your Affiant and Detective Jenkins to leave at any time. MALLON stated he understood and agreed to speak. The interview was audio recorded. MALLON admitted the TOMMALLON824@GMAIL.COM and MILLERJENN999@GMAIL.COM were both his accounts and nobody else used these accounts. MALLON used these accounts to chat with individuals through Google Hangouts.


When chatting, he would portray both minors and adults. MALLON did not recall specific user names of individuals he chatted with but was shown the chat log between him and the VICTIM along with the pictures exchanged between the two of them and admitted these were chats he would have had. MALLON stated he engaged in these types of chats for the past year.

MALLON stated some of the nude penis pictures he sent other individuals were pictures of himself. MALLON also admitted to receiving child pornography from individuals through the app Kik Messenger and receiving links to Dropbox accounts to download child pornography.

CONCLUSION

26. Based upon the information above I respectfully submit that there is probable cause to believe that THOMAS MALLON JR., date of birth [REDACTED] did attempt to employ, use, persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, in violation of 18 U.S.C. § 2251, and did entice a minor to engage in sexual activity, in violation of Title 18 U.S.C. § 2422, as more fully set forth in Attachment A.

27. Therefore, I respectfully request that the attached arrest warrant be issued authorizing the arrest of THOMAS MALLON JR., date of birth [REDACTED]



JAMES J. ZAJAC
Special Agent
Federal Bureau of Investigation

SWORN TO AND SUBSCRIBED
BEFORE ME THIS ^{11th} DAY
OF DECEMBER, 2018.



HONORABLE RICHARD A. LLORET
United States Magistrate Judge

ATTACHMENT A

Count One –Manufacture/ Attempted Manufacture of Child Pornography, 18 U.S.C. § 2251(a) and (e)

On or about March 28, 2018, in the Eastern District of Pennsylvania, the defendant THOMAS MALLON JR. did knowingly employ, use, persuade, induce, entice, and coerce Victim #1, a person under the age of 18 years, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct and attempted to do so, and in his attempt to produce the visual depiction he used materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer. In violation of Title 18, United States Code, Sections 2251(a), (e).

Count Two – Enticement of a Minor to Engage in Illicit Sexual Conduct, 18 U.S.C. § 2422(b)

Between on or about March 7, 2018, through on or about April 6, 2018, in the Eastern District of Pennsylvania, the defendant THOMAS MALLON JR. used a facility and means of interstate and foreign commerce, that is, the internet, to persuade, induce, entice and coerce Victim #1, a minor child under the age of 18 years, to engage in sexual activity, for which any person could be charged with a criminal offense, and attempted to do so, that is, the manufacturing of child pornography, in violation of Title 18, United States Code, Section 2251(a). In violation of Title 18, United States Code, Sections 2422(b) and 2.